IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS INSOLVENCY JURISDICTION.

NOTICE OF MOTION No.205 of 2006
NM DATED: 13-12-06.
IN

PETITION No. 179 of 2004.

Re: Top Syringe Mfg.Co & Ors. Debtors.

Exparte.
Padmavati Jugalkishore Mehta. Petitioning Creditor.

Mr. Pratap Sampat with Mr. Vinod B. Singh for Debtor.

Mr. J. S. Paranjape i/b Mr. G.M. Shetty for the substituted Petitioning Creditor.

Mr. R. D. dave i/b M/s. N. N. Vaishnawa for sujpporting Petitioning Creditor.

CORAM: D.G. KARNIK,J.
DATED: 16th January, 2007.

P.C.:-

1. Heard the learned counsel for the parties. This motion is taken out for setting aside the Order of Adjudication dated 5th December, 2006.

2. When the matter came up before this Court on 19th December, 2006, the learned counsel for the debtor requested the Court for an adjournment to take instructions within what period the decretal dues would be paid.

Today, the learned counsel for the debtor states that he would be in a position to make the payment in twelve monthly instalments to the Petitioning Creditor. The Petitioning Creditor does not agree for this. In the circumstances, the matter is required to be considered on merits.

3. I have heard the learned counsel for the parties. No ground is made out for setting aside the order of Adjudication dated 5th December, 2006. Hence the Motion is rejected.

[D.G.KARNIK,J]